

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND, NORTHERN DIVISION**

<b>EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,</b>	:	
	:	
<b>Plaintiff,</b>	:	
	:	
<b>and</b>	:	
	:	<b>CASE NO.: WDQ 02-CV-648</b>
<b>KATHY KOCH,</b>	:	
	:	
<b>Intervenor/Plaintiff,</b>	:	<b>JURY DEMANDED</b>
	:	
<b>v.</b>	:	
	:	
<b>LA WEIGHT LOSS CENTERS, INC.,</b>	:	
	:	
<b>Defendant.</b>	:	
	:	

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**LA WEIGHT LOSS CENTERS, INC.'S  
MOTION FOR LEAVE TO FILE SURREPLY  
TO THE REPLY MEMORANDUM IN SUPPORT  
OF EEOC'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

Pursuant to Local Rule 105(2)(a) of the United States District Court for the District of Maryland, defendant LA Weight Loss Centers, Inc. ("LAWL") moves this Court for leave to file the attached surreply to the Reply Memorandum in Support of EEOC's Motion for Partial Summary Judgment and for Adverse Inference Jury Instructions at Trial ("Reply"). If granted, LAWL requests that the surreply be deemed filed.

In support, LAWL states that EEOC's Reply relies on new declarations of counsel and third party witnesses. Those declarations reveal facts not contained in EEOC's Motion for Partial Summary Judgment and for Adverse Inference Jury Instructions at Trial, and to which LAWL has not had any opportunity to respond. The substance of the declarations was in no way disclosed to LAWL during discovery or at any point before June 1, 2007, the date on which

EEOC's Reply was filed. Further, the declarations contain inadmissible hearsay and, in one instance, consists of facts outside the declarant's personal knowledge.

Respectfully submitted,

/s/  
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June 12, 2007

**CERTIFICATE OF SERVICE**

I, Elizabeth Torphy-Donzella, hereby certify that I caused a true and correct copy of LA Weight Loss Centers, Inc.'s Motion for Leave to File Surreply to the Reply Memorandum in Support of EEOC's Motion for Partial Summary Judgment to be filed and served electronically on June 12, 2007. I further certify that a copy of the motion shall be served via first class mail upon:

Ronald L. Phillips  
EEOC  
Baltimore District Office  
10 South Howard Street, 3<sup>rd</sup> Floor  
Baltimore, MD 21201

/s/  
Elizabeth Torphy-Donzella